

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

INA STEINER, DAVID STEINER, and
STEINER ASSOCIATES, LLC,

Plaintiffs,

V.

EBAY INC., et al.,

Defendants.

Civil Action No. 21-CV-11181-PBS

**JOINT UNOPPOSED MOTION OF DEFENDANTS WENDY JONES, DEVIN WENIG,
STEVE WYMER, EBAY INC., AND PROGRESSIVE F.O.R.C.E. CONCEPTS, LLC TO
FILE DEPOSITION TRANSCRIPT OF JIM BAUGH AND RELATED MATERIALS
UNDER SEAL**

Defendants Wendy Jones, Devin Wenig, Steve Wymer, eBay Inc. and Progressive F.O.R.C.E. Concepts, LLC (collectively, the “Moving Parties”) move, as required by the Protective Order in this case, for leave to file Defendant Jim Baugh’s deposition transcript and associated exhibits under seal. The Moving Parties make this request because Baugh’s counsel designated the transcript and associated exhibits “Confidential,” and the Protective Order in this case mandates that the Moving Parties file material designated “Confidential” by another party under seal “[u]nless otherwise ordered by the Court or permitted in writing by the Designating Party.” ECF 515 ¶ 8.2. In filing this motion, the Moving Parties take no position regarding the propriety of Baugh’s designations. This motion is filed unopposed and pursuant to Local Rule 7.2.

As grounds for this motion, the Moving Parties state as follows:

1. By email of July 9, 2025, counsel for Baugh designated the transcript of Baugh's deposition and associated exhibits Confidential under the Protective Order.
2. The Moving Parties take no position on whether these designations are appropriate

but seek leave to file the testimony, exhibits, and any reference thereto under seal to comply with the terms of the Protective Order, which prohibits parties from publicly disclosing material designated “Confidential” by another party “[u]nless otherwise ordered by the Court or permitted in writing by the Designating Party.” ECF 515 ¶ 8.2.

3. The Protective Order grants parties 30 days to designate material Confidential. ECF 551 ¶ 5.2(c). Some or all of the moving parties may also designate certain portions of the transcript Confidential.¹

4. Counsel for the non-moving parties, and the parties proceeding *pro se*, did not object to this motion or did not respond to an email asking if they objected to this motion.

WHEREFORE, the Moving Parties respectfully request that the Court allow this motion to permit the filing of the aforementioned documents in support of their anticipated July 16, 2025 briefing under seal until further order of the court.

¹ For example, eBay notes that the transcript reflects personnel decisions regarding non-parties who had no role in the actions underlying this case. *Nwagbaraocha v. Dartmouth-Hitchcock Med. Ctr.*, 2019 WL 13328427, at *2–3 (D.N.H. Sept. 16, 2019) (collecting cases); *see also Sterbens v. Sound Shore Med. Ctr. of Westchester*, 2001 WL 1549228, at *3 (S.D.N.Y. Dec. 5, 2001); *Warren v. Rojas*, 2016 WL 1642584, at *1 (D. Mass. Apr. 25, 2016); *Hayes v. McGee*, 2014 WL 198407, at *1 (D. Mass. Jan. 13, 2014).

Dated: July 15, 2025

Respectfully submitted,

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CERTIFICATION PURSUANT TO L.R. 7.1(a)(2)

I, Andrew O'Connor, hereby certify that, in accordance with Local Rule 7.1(a)(2), counsel for Wendy Jones, conferred with counsel of record and the parties proceeding *pro se*, who do not oppose the relief requested in this motion.

Dated: July 15, 2024

/s/ Andrew J. O'Connor

Andrew J. O'Connor

CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2025, this document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Dated: July 15, 2024

/s/ Andrew J. O'Connor

Andrew J. O'Connor